

Under the provisions of Section 413.031 of the Texas Workers' Compensation Act, Title 5, Subtitle A of the Texas Labor Code, effective June 17, 2001 and Commission Rule 133.305, titled Medical Dispute Resolution-General, and 133.307, titled Medical Dispute Resolution of a Medical Fee Dispute, a review was conducted by the Division regarding a medical fee dispute between the requestor and the respondent named above. This dispute was received on 3-24-03.

I. DISPUTE

Whether there should be reimbursement for CPT Code J0585.

II. FINDINGS

1. The requestor billed \$750.00 for the disputed service.
2. The respondent paid \$23.48 based upon "Botox is subject to U.S. licensing. It is a violation of U.S. Federal law to export this product without an export license."
3. Total amount in dispute per TWCC-60 is \$407.72.
4. The insurance carrier submitted an untimely response to the request for medical dispute resolution and will not be considered in this decision.

III. RATIONALE

DOS	CPT CODE	Billed	Paid	EOB Denial Code	MAR\$ (Maximum Allowable Reimbursement)	Reference	Rationale
7-17-02	J0585	\$750.00	\$0.00	F	AWP X number of units X 1.09 + \$4.00 = MAR	HCPCS Code Descriptor Pharmacy Fee Guideline	<p>The requestor submitted an invoice from Allergan that supports requestor's position that they paid \$392.00 for 100 units of Botox.</p> <p>The formula utilized in the Pharmacy Fee Guideline (II)(A)(1) for Brand-name Pharmaceuticals is:</p> <p>AWP X number of units X 1.09 + \$4.00 = MAR</p> <p>The requestor paid \$392.00 for 100 units X 1.09 = \$427.28 = \$4.00 = \$431.28.</p>

							The difference between amount paid of \$23.48 and MAR = \$407.80. The requestor noted on TWCC-60 a lesser amount; therefore, additional reimbursement of \$407.72 is recommended.
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IV. DECISION & ORDER

Based upon the review of the disputed healthcare services within this request, the Division has determined that the requestor **is** entitled to reimbursement for CPT code J0585 in the amount of **\$407.72**. Pursuant to Sections 402.042, 413.016, 413.031, and 413.019 the Division hereby ORDERS the Respondent to remit **\$407.72** plus all accrued interest due at the time of payment to the Requestor within 20 days receipt of this Order.

The above Findings, Decision and Order are hereby issued this 28th day of May 2004.

Elizabeth Pickle
Medical Dispute Resolution Officer
Medical Review Division